

REMARKS

Applicants cancel claims 15-16, 18-21, 23-24, 35-36, 38-40, and 42-44 without prejudice. Claims 1-14, 17, 22, 25-34, 37, 41, 46, 48, 50, 52, and 54 have previously been canceled. Applicants submit claims 55-56 to round out the scope of the invention. Claims 45, 47, 49, 51, 53, and 55-56 are now pending in the application. Applicants amend claims 45, 47, 49, 51, and 53 for further clarification. No new matter has been added.

Claims 40 and 42-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,359,877 to Rathonyi et al.; and claims 15-16, 18-21, 23-24, 35-36, and 38-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,212,532 to McFarland et al. in view of Rathonyi et al. Applicants cancel the rejected claims without prejudice.

Claims 45, 47, 49, 51, and 53 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0097629 to Moon et al. Applicants amend claims 45, 47, 49, 51, and 53 in a good faith effort to further clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

Moon et al. merely describe initial packet data being divided and each of a plurality of divided packet data being retransmitted. Moon et al. do not disclose, however, which number information the initial packet data includes at the time of the transmission, and which number information the divided packet data includes at the time of retransmission.

In the example of Fig. 14 of Moon et al., with reference to Fig. 7 thereof, sub-packets (S, P1) that include an information sub-packet S and redundancy parity sub-packet P1 are transmitted at the initial transmission and the sub-packets are transmitted in the order of (S, P2) and (S, P3). But Moon et al. do not disclose which number information the information sub-packet S and redundancy parity sub-packets P1-P3 include. In addition, it is noted that it

is impossible to obtain the sub-packets of (S, P2) and (S, P3) by dividing the initial sub-packets (S, P1).

And regarding paragraph [0078] of Moon et al., such portion thereof only includes a reference to a redundancy packet number, and Moon et al. do not disclose any relationship between the redundancy packet number and information packet number. Indeed, the redundancy packet number referred to therein is apparently a separate redundancy packet number.

In other words, Moon et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] transmitting apparatus capable of executing retransmission of packet data when the packet data cannot be received correctly on a receiving side, said transmitting apparatus comprising:

a transmission parameter controller which changes a transmission parameter in accordance with conditions of a propagation path; and

a controller which obtains a plurality of divided packet data by dividing packet data which has been transmitted and not been received correctly on the receiving side and conducts retransmission of the plurality of divided packet data respectively based on the transmission parameter, wherein the packet data, which has been transmitted and not been received correctly on the receiving side, includes only a single number as number information of the packet data, and each of the plurality of the divided packet data includes only a same and single number as number information of the packet data.” as recited in claim 45. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 45, together with claims 55-56 dependent therefrom, is patentable over Moon et al. for at least the foregoing reasons. Claims 47, 49, 51, and 53 incorporate features that correspond to those of claim 45 cited above, and are, therefore, patentable over Moon et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

Dexter T. Chang

Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

Docket No.: FUSA 21.076 (100807-00104)

DTC:tb